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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,778	08/06/2003	Tatsuya Shiraishi	H64-154704M/MNN	7628

21254 * 7590 11/30/2004

MCGINN & GIBB, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

BOLLINGER, DAVID H

ART UNIT PAPER NUMBER

3653

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/634,778	Applicant(s) SHIRAISHI ET AL.	
	Examiner David H Bollinger	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on ____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) ☐ Claim(s) ____ is/are allowed.

6) ☒ Claim(s) 1-13 is/are rejected.

7) ☐ Claim(s) ____ is/are objected to.

8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some * c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. ____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 1 Oct. 2003.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: ____.

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 through 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 lines 7-8 and claim 13 lines 12-13, it is not understood how the "first paper aligning member" is slid back and forth since no means for sliding this member has been clearly and positively recited.

In claim 1 lines 16-17 and claim 13 lines 21-22, it is not understood how the "third paper aligning member" is slid back and forth since no means for sliding this member has been clearly and positively recited.

Claim 4 is confusing in that it is not understood how a single member (i.e. the third paper aligning member) can comprise a pair of members as claimed.

In claim 4 line 4, the recitation "the perpendicular direction" lacks proper antecedent basis, therefore; it is not clearly understood to what direction this is referring. It appears this recitation is intended to refer to the previously recited width direction and has been treated as such.

In claim 6, it is not understood how the recited aligning members are slid once back and forth as claimed since no means for sliding these elements has been clearly and positively recited.

In claim 7 lines 2-4, it is not understood how the paper exhausting roller delivers the paper in the paper proceeding direction and apparently in the perpendicular direction simultaneously.

In claim 8 line 3, it is not clearly understood what is meant by the recitation "a first standby position apart by a predetermined distance." From what is the recited standby position "apart?"

Further, it is not understood how the "first paper aligning member" is slid back and forth as recited in claim 8 since no means for sliding this member has been clearly and positively recited.

In claim 10 line 3, it is not clearly understood what is meant by the recitation "a second standby position apart by a predetermined distance." From what is the recited standby position "apart?"

Further, it is not understood how the "third paper aligning member" is slid back and forth as recited in claim 10 since no means for sliding this member has been clearly and positively recited.

Claim 12 is confusing in that the claim appears to require the image forming apparatus be a part of the paper treating unit (line 1 of claim 12) while at the same time reciting the image forming apparatus is a separate unit located adjacent to the paper treating unit (lines 4-5 of claim 12).

3. Claims 1 through 13 appear they would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

4. The abstract of the disclosure is objected to because the abstract is in the format of a claim and does not provide a narrative description of the technical features of the invention. Correction is required. See MPEP § 608.01(b).
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hart, Gottlieb, Droitcour, Volkmere, Obenshain '070, Obenshain '751, Naramore, Pessina et al, Mohr, Schmid et al and Shiraishi et al are cited to show various arrangements of aligning members for a sheet stack.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H Bollinger whose telephone number is 703-308-1113. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on 703-306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

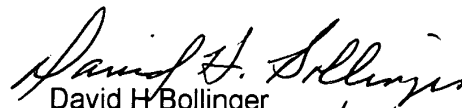
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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the
Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David H. Bollinger
Primary Examiner 11/28/04
Art Unit 3653